

PTO/SB/21 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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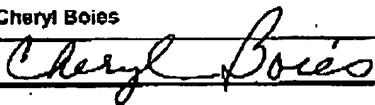
TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number	09/665,919
		Filing Date	9/20/2000
		First Named Inventor	RECEIVED Venkatachari DILIPNTRAL FAX CENTER
		Group Art Unit	3624
		Examiner Name	SED 20 2000 CAMPEN, Kelly Scaggs
Total Number of Pages in This Submission	8	Attorney Docket Number	CE1-002US
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Reply Brief (6 pages)
Remarks			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Steven R. Sponseller/Reg. No. 39384		
Signature			
Date	September 28, 2005		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Cheryl Boies		
Signature		Date	September 28, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.
 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618).
FEE TRANSMITTAL
 For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete if Known

Application Number	09/865,919
Filing Date	9/20/2000
First Named Inventor	Venkatachari Dilip
Examiner Name	CAMPEN, Kelly Scaggs
Art Unit	3624
Attorney Docket No.	CE1 0002US

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 12-0769 Deposit Account Name: Lee & Hayes, PLLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEES CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fee Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Small Entity

Fee (\$) 50 Fee (\$) 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

200 100

Multiple dependent claims

360 180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 or HP =	x 50	=	

HP = highest number of total claims paid for, if greater than 20

<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	x 200	=	

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

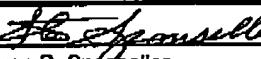
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

SUBMITTED BY

Signature		Registration No. 39384 (Attorney/Agent)	Telephone (509) 324-9258
Name (Print/Type)	Steven R. Spenseller		Date 9-28-05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 09/665,919
Filing Date Septcmber 20, 2000
Inventor Dilip et al. 3624
Group Art Unit 3624
Examiner Campen, Kelly Scaggs
Attorney's Docket No. CE1-002US
Confirmation No. 8530
Title: Method and Apparatus for Implementing Financial Transactions

REPLY BRIEFRECEIVED
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SEP 28 2005

To: Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

From: Steven R. Sponseller (Tel. 509-324-9256 x 250; Fax 509-323-8979)
Customer No. 22801

In response to Examiner's Answer mailed July 28, 2005, in connection with Applicant's Appeal Brief filed March 18, 2005, a Reply Brief is submitted. Favorable consideration is respectfully requested.

Claims 11, 21, 51 and 61 are objected to because they are allegedly in improper form.

Claims 1-30 and 38-72 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,598,028 to Sullivan et al.

Appellant respectfully submits that the standard for anticipation under 35 U.S.C. §102 is not satisfied by Sullivan with respect to claims 1-30 and 38-72. Accordingly, Appellant disagrees with the Office's final rejection (from which an appeal has been made) and with the Examiner's Answer, to which this Reply responds.

Examiner's Allegation Regarding Grouping of Claims

On Page 2 of the Examiner's Answer (Mailed July 28, 2005), under the heading "(7) Grouping of Claims", the Examiner alleges "The rejection of claims 1-30 and 38-72 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7)."

Appellant respectfully notes that 37 CFR 1.192 was removed and reserved on September 13, 2004. Thus, the Examiner has cited a rule that is not longer effective.

Appellant submits that that claims 1-30 and 38-72 do not stand or fall together. Appellant notes that the old rules regarding "grouping" of claims are no longer effective. Appellant argued the following sets of claims separately in the Appeal Brief: 1. Claims 1-11 and 54; 2. Claims 12-21 and 68-69; 3. Claims 22-

30, 55, 66-67 and 71-72; 4. Claims 38-41; 5. Claims 42-47; 6. Claims 48-50; 7. Claims 51-53; 8. Claims 56-60; 9. Claims 61-65 and 70.

37 CFR 41.37(c)(1)(vii) states (in part):

... For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. When multiple claims subject to the same ground of rejection are argued as a group by the appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately. Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number....

Appellant has complied with 37 CFR 41.37(c)(1)(vii) by placing claims argued as a group under a subheading identifying the claims by number. Thus, Appellant submits that the nine separate sets of claims (identified by appropriate subheadings in the Appeal Brief) do not stand or fall together and are to be considered separately.

Appellant submits that the Examiner's statement with respect to the grouping of claims on Page 2 of the Examiner's Answer is incorrect and should be withdrawn.

Response to Arguments

On Page 3 of the Examiner's Answer (Mailed July 28, 2005), under the heading "(11) Response to Argument", it appears that the Examiner does not

understand Appellant's argument regarding application of the wrong standard regarding the Sullivan reference. The Examiner's Answer states "In response to applicant's argument that the Examiner has applied the wrong standard to the reference's use of the term suggestion," Appellant submits that the Examiner applied the wrong standard by using the word "suggests" in rejecting claims based on 35 U.S.C. 102(e). Instead, the Examiner is referring to the word "suggestion" as if it were being quoted from the Sullivan reference. Appellant submits that the Examiner has improperly applied 35 U.S.C. 102(e) by considering what the Sullivan reference "suggests" instead of what the reference actually discloses.

In the Examiner's Answer, the Examiner further states "In addition, the currency conversations [sic] referred to by the applicant are defined within the range of the definition of transferring assets between accounts at different financial institutions." This general statement fails to address the specific limitations of the claims. Instead, the above statement attempts to characterize the invention generally without identifying or mentioning the various elements of the claims, and without making any reference to the disclosure of the Sullivan reference.

In the second paragraph under the heading "(11) Response to Argument", the Examiner alleges that the following features are not recited in the rejected claims:

1. "a specific method of transferring funds between two different commonly-owned accounts at two different financial institutions, through the use of at least two separate transactions";

2. "two separate transactions to transfer funds from a first account at one institution to a third account at another financial institution via an intermediate account";
3. "a third party that is neither the first financial institution nor the second financial institution".

Regarding item 1 above, Appellant notes that claim 12 recites that the first account (at a first financial institution) and the third account (at a second financial institution) have a common account holder. Claim 12 further recites "implementing a first transaction" and "implementing a second transaction".

Thus, claim 12 recites the features of item 1.

Regarding item 2 above, Appellant notes that claim 12 recites "implementing a first transaction" that withdraws funds from a first account at a first financial institution and deposits the withdrawn funds into a second account (the intermediate account). Another transaction, recited as "implementing a second transaction" withdraws the deposited funds from the second account and deposits those withdrawn funds into a third account at a second financial institution. Thus, claim 12 also recites the features of item 2.

Regarding item 3 above, Appellant notes that claim 19 recites "wherein withdrawing funds from the first account and depositing funds into the third account are effectuated via a third financial institution". The "third" financial institution is separate from the "first" financial institution and the "second" financial institution. Thus, claim 19 recites the features of item 3.

Based on the above discussion, Appellant submits that the Examiner's allegation that the above features (1, 2 and 3) are not recited in the rejected claims is incorrect.

Accordingly, Appellant submits that Claims 1-30 and 38-72 are allowable for at least the reasons discussed in the Appeal Brief filed March 18, 2005 along with the reasons discussed herein.

Conclusion

Applicant respectfully submits that all of the Office's rejections have been traversed. As such, Applicant respectfully submits that all of the claims are in condition for allowance.

Respectfully Submitted,

Dated: 9-28-05

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